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# Human Rights Vetting: The Process and Lessons Learned

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## History

Human Rights (HR) vetting is an important task required prior to sending any international military student (IMS) to the U.S. for training of any kind. The purpose of HR vetting is to ensure that the IMS is not a gross violator of human rights and to ensure that the U.S. government is not training these violators.

The vetting process came into being in the late 1990s as a law authored by Senator Patrick Leahy. Initially, only military units were vetted prior to any bilateral training. Over time, the requirement grew to include individual IMS vetting and any individual from a military or security service receiving training or participating in a U.S.-sponsored exercise. The Embassies themselves vet the IMS prior to their travel. Names are provided by the different agencies, security assistance offices (SAO), regional security office (RSO), legal attaché (LEGATT), etc., and the political section checks their databases to see if the names are listed. Once the political section clears the individual, based on locally available information, the names of any individuals are sent to Washington, D.C. for final clearance. Centralized databases are located in Washington, D.C. at the DoS to collect and centralize all HR reports.

## Process

This is where we are today. The process has grown bureaucratic through the years. Embassies are to collect all the information and build a cable. In the cable, the key information about the IMS, such as the name, date of birth, place of birth, rank and unit are listed. The cable listing all the students who are vying for the training is then drafted. The cable is then cleared by each agency participating in the cable, and then sent to Washington, D.C. Also listed in the cable is the training the IMS is to receive, as well as the dates and places of training.

Upon receipt of the cable in Washington, the DoS Country Desk Officer must take the cable and run the names against three separate databases operated by three separate bureaus within DoS. Once they are cleared, the Country Desk Officer must send a cable back to the Embassy informing the Embassy that the "Department has reviewed its files and finds it possesses no credible information of gross violations of human rights at this time by the members of the host nation (HN) military listed below." Upon receipt of this cable back at the Embassy, the IMS is cleared to travel. According to the DoS' Standardized Operating Procedures, the Political Section, which handles this process in my Embassy, needs ten working days to process an HR vetting. Upon completion of the vetting and training, the SAO offices must keep a signed checklist in the IMS' record for ten years per DSCA's regulations.

## Issues

**Time.** As mentioned before, the Department of State's Standardized Operating Procedures direct that political sections needs ten working days to process a name. Unfortunately, this has not proven to be true. I have rarely had a vetting clear in less than twenty-five days. My planning factor for clearing names is now thirty days, at least. Jordan sends about 275 IMS to the U.S. for training of all types from my office alone. This does not include the units and individuals that participate in joint

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exercises or receiving training through other programs. The workload and the man hours needed to complete this vetting is staggering.

**Valid Information.** The validity of the databases is only as good as the information in the system. If the list of HR abusers is worthless, then that is the level of quality you will get in clearing names. This system is also mutually exclusive to the visa system. If an IMS is cleared for HR vetting, it does not mean that he or she will get a visa or get the visa in time to travel. This was a misconception early on with my Host Nation counterparts.

**Spelling.** As with any global database, Arabic names are an issue. There is no standardized method to convert names from Arabic into English. Arabic is a phonetic language so transliterations vary. There are usually numerous ways to spell one person's name in English. Other languages written in a different DoS alphabet probably have similar issues.

**Workload.** The Country Desk Officer in Washington is busy also. He is doing his job as well as clearing names. This is not his primary responsibility. Therefore, you are at the mercy of the Country Desk Officer to clear any name through the three databases. If he is out on leave, TDY, or sick, you may have to wait. All travel is on hold until the Country Desk Officer completes the check. Also, the Country Desk Officer in Washington is to clear all agencies' human rights vetting, not just yours. He is clearing your training as well as requests from POL, ECON, LEGATT, RSO, and others. It is not all about the SAO office in this case. Another aspect of the Desk Officer's workload is the requirement to create cables. It takes time for our office and the Embassy to create and clear a cable. The Country Desk Officer at Department of State has to create all of the cables and then transmit them back to the Embassy. These are not just e-mails bouncing back and forth but formal cables that bear the approval of the head of mission and the Secretary of State. When you do the analysis, vetting alone is a full time job. As mentioned before, to the Country Desk Officer this is just a painful additional duty.

**Flexibility.** Because it takes so much time to clear one name for one course, there is little flexibility to change names. If an officer cannot attend training for some valid reason, you can't just replace him with another name. You have to vet his replacement also. Again, this takes time. Now, this can be a blessing in disguise since a majority of host nation governments wait until the last minute to submit all the required names and documentation for an IMS to travel. With the HR vetting requirement in place, the host nation is bound to the time limitations and must submit 30 days prior to travel. That is a silver lining to this issue and this does help with corollary issues like visas and travel orders.

**Explanation to Your Counterpart.** Overall, this requirement is hard to explain to Host Nation counterparts. Early on in the transition of the Jordanian Training Officers, my new counterpart could not understand how a well-qualified officer who has completed all the requirements could not go to the U.S. for training because our bureaucracy could not get his name cleared in time. Further, he could not understand why his country would pay 100 percent of the course costs for missing an IMET course due to delays in my vetting of a name and clearing them of any Human Rights abuses. It took many conversations and much work by all parties concerned to help them understand. There was a great deal of frustration in the process with my office and the U.S. Embassy in general. The relationship is better now, but only after several work-arounds, methods and procedures were put into place. These new procedures helped to mitigate the impact of the HR vetting requirement.

### **Techniques that Help**

Here are some techniques and procedures that helped my office work better, smarter, and faster with my Jordanian counterparts. They may also work in your situation.

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**Notify Your Host Nation Leadership.** Your office, through your most senior official, must formally notify the Host Nation leadership in writing about this requirement. You may have to notify the host nation leadership upon occasion as the host nation leadership changes and transitions. My boss, the Military Assistance Program (MAP) Chief and Defense Attaché, signed a formal letter that went to the Chairman of the Defense reminding him of this requirement. Copies of the letter were also furnished to key leaders throughout the Armed Forces. In the letter, the responsibility for providing the names and other required information thirty days or more from the travel date was outlined again as the responsibility of the host nation. If they failed to provide a name in time, then they were informed that they would then absorb the course costs, not your office or the U.S. government. After the letter, I consistently reiterated this requirement every time I met with the training directorates.

**Get The Names Early.** This one is obvious but I received a great deal of push-back from my training directorates about this requirement. They told me that many times they could not provide those names any earlier than 2-3 weeks beforehand due to their own internal vetting process. Their process includes all elements of vetting a student such as security, medical and dental, English test score and the like. It took some time and much pain to convince my counterparts to give me the names before they were finished vetting the students.

The agreed upon method for getting the names was identified. I now receive the information that I need when the IMS appears at my English Comprehension Language (ECL) Test. I usually give this ECL test about two times a month. When an IMS shows up for my ECL test, they are about forty-five days out from their travel date. The students are still candidates for each training course and they still may not go based on their English test score. But this is the first time that I see them face to face. I directed the training directorates to ensure that the IMS brings a copy of his/her passport picture page to the ECL test. On this passport picture page is almost all the information I need to process the HR vetting. I have the official spelling of their name. I have their official date of birth and place of birth. Before I collect the copies, I instruct the officers to write onto the copy their rank and the unit they are from. Then I collect the copies of the passports prior to the test. If they fail to provide a copy of their passports to me at the test, I ask the training directorates to fax a copy to my office. Upon my return to the office, I give the copies of the passports to my training assistant. She writes up the HR vetting documentation that day and submits the vetting request to the HR Vetting Officer in the Political Section of the Embassy. Then the process begins.

**Vet Multiple Students for One Course.** Usually at the ECL, there are two or three officers competing for one course. I vet them all. I don't have time to wait. The first one cleared is the first one able to go to training. If more than one officer clears, you and your counterpart have options and that is good. Unfortunately, this gives more work for my State counterparts.

**Work with your HR Vetting Point of Contact.** Work closely with whoever in your embassy is the point of contact on HR vetting. You all need to work a system within your offices to process these vettings as smoothly as possible. Track your own vettings and help him or her keep up with what is coming up as due. My system for submitting vetting requests is to draft the information into an e-mail. Then the Political Officer's assistant cuts and pastes the e-mail information into a draft cable. The Political Officer's assistant then sends the draft cable out again on e-mail for clearances and review. All pertinent agencies clear the cable. Once cleared, the cable is sent out to Washington, D.C. via the Cable Message System. Again, like the Country Desk Officer in Washington, D.C., this is probably an additional duty for him or her. Any help from you will assist and in the future your contact may be able to expedite a vetting when you are short on time.

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## Possible System Changes

There are possible overall system changes that may help everyone to meet the intent of the Leahy Amendment without overwhelming each involved government official, both U.S. and host nation.

**Pre-approve Certain Countries.** Not all countries have a large human rights problem. Jordan is one country that does not have an obvious problem with Human Rights. There are very few identified HR violators listed for Jordan. That could change but as of now the list is very short and the violators are well-known. Countries like Jordan should be pre-approved for HR vetting. One method offered may be for the Embassy to be given the list of HR abusers from Washington periodically. The Embassy still sends a cable per student but also states that according to the list dated last month, for example, these listed students are cleared of any Human Rights abuses. Another technique worth considering is to send a cable out from the Embassy that states that the Embassy has not sent any personnel listed on the HR Vetting list this month without specifically referring to courses and individuals. Then, the vetting is still done but it is done at the Embassy with Washington monitoring.

**Embassy Access to Databases.** Whatever databases are in Washington, the Department of State in Washington should allow Embassy personnel in the field access to the databases directly instead of sending the request through all of the “middle men.” In the age of video-teleconferences, blackberry messages, and e-mails, we should be able to leverage technology down to the user better than we are doing currently. Powering down the ability for Embassy officers to check names themselves reduces the workload on the Washington Department of State personnel and allows the Embassy to access information faster.

**Let them travel.** This is probably the most controversial of all the recommendations. With or without a cleared HR vetting returned to the Embassy, let the student travel. If he is vetted and cleared, then the student is already at the training and there is no issue. If he is found to be a human rights violator, send him or her home immediately. The Host Nation will still have to pay the 100 percent course cost fee due to the IMS leaving early. I understand that forcing offices to vet prior to travel is the “stick” that Congress uses to insure compliance. But that same leverage could be done during the annual command inspections when outside agencies inspect all the files. If the office is not in compliance, then the office is held accountable. The Country Desk Officer at DoS could also monitor compliance by each Embassy since an event like sending a student back to his home country would most likely be the exception and not the rule. These few cases could be monitored closely by all interested parties.

## Conclusion

The Leahy Vetting of individuals for human rights is a requirement that supports the national interests of the U.S. government. The issue right now is that the system is unyielding, inflexible and cumbersome. The relations with our host nations are being strained as we work together to meet this requirement. Ways must be developed and programs must be adapted to overcome this bureaucratic hurdle. These changes must come from all levels or the system will fail under its own weight and the only victim will be the relationship between the U.S. government as represented in each of our offices and our partner nations.

## About the Author

Lieutenant Colonel David R. Womack, USA, is the Joint Training Officer for the Military Assistance Program Office at the U.S. Embassy in Amman, Jordan. He served ten years in the Field Artillery with tours at Fort Riley, Kansas; Fort Stewart, Georgia; and two tours in the Republic of Korea. He is a graduate of the Basic Arabic Course at the Defense Language Institute and has a

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